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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 27 May 2003 from the Chargé d'affaires of the Syrian Arab Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit to him herewith the report of the Government of the Syrian Arab Republic pursuant to paragraph 6 of resolution 1455 (2003) (see annex).

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Annex

[Original: Arabic]

Report submitted by the Syrian Arab Republic to the Security Council Committee established pursuant to resolution 1267 (1999) under paragraphs 6 and 12 of resolution 1455 (2003)

I. Introduction

1. Please provide a description of activities, if any, by Osama bin Laden, al-Qa'idah, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

No activities are conducted by the Taliban and al-Qa'idah in the Syrian Arab Republic.

II. Consolidated List

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

We circulate the lists we receive to the competent authorities in the Ministry of the Interior for appropriate action as requested.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

There is the problem of some names occurring with only two elements, without any detailed personal data (father, mother, date and place of birth, etc.).

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

No, none of the designated entities or individuals have been identified inside the Syrian Arab Republic.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or al-Qa'idah that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

There are no names of individuals or entities to be added to the List.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.

No lawsuit has been brought against our authorities by such individuals or entities.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

None of the listed individuals are in our country.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting al-Qa`idah members in carrying out activities inside your country, and to prevent individuals from participating in al-Qa`idah training camps established in your territory or in another country.

The Syrian Penal Code ensures the imposition of severe penalties on any person involved in the perpetration of an offence related to terrorism, pursuant to articles 280, 298, 299, 300, 304 and 305:

Article 280. Anyone who, within Syrian territory and without the approval of the Government, recruits soldiers to fight for a foreign State shall be punished by a term of imprisonment;

Article 298. Any aggression either aimed at stirring up civil war or sectarian fighting through arming Syrians or inducing them to take up arms against each other or involving incitement to kill and plunder in any locality or localities shall be punishable by hard labour for life, and by death if the aggression takes place;

Article 299. Anyone who heads or assumes any position or leadership of any nature whatsoever in an armed band, either for the purpose of invading a town or locality or destroying property belonging to the State or to a group of people or for the purpose of attacking or resisting the public force [acting] against the perpetrators of such offences shall be punished by hard labour for life;

Article 300. The penalty for participating in armed bands created for the purpose of committing any of the offences provided for in articles 298 and 299 (relating to sedition and gangs) shall be hard labour for life;

Article 304. "Terrorist acts" means all acts intended to create a state of fear which are committed by means such as explosives, inflammable materials, poisonous or burning products or epidemic or microbial agents likely to cause public danger.

Article 305, which defines conspiracies, establishes the penalties to be imposed on their perpetrators as follows:

1. Conspiracy aimed at the perpetration of a terrorist act or acts shall be punishable by 10 to 20 years' hard labour.

2. Every terrorist act shall entail a penalty of 15 to 20 years' hard labour.

3. It shall entail the death penalty if the terrorist act results in the destruction, even partial, of a public building, industrial establishment, vessel or installation of any kind or the disruption of means of information, communication or transport, or if the act causes the death of a person.

III. Financial and Economic Assets Freeze

9. Please describe briefly:

- **The domestic legal basis to implement the asset freeze required by the resolutions above;**
- **Any impediment under your domestic law in this context and steps taken to address them.**

The freezing or confiscation of assets in the Syrian Arab Republic is carried out as follows:

(a) On the basis of legal judgements handed down by the competent courts under Syrian laws and regulations and, accordingly, in implementation of legal judgements;

(b) By provisional attachment following investigatory proceedings by the inspection agencies (Central Board for Oversight and Inspection and Central Agency for Financial Oversight);

(c) Under the Emergency Act promulgated by Legislative Decree No. 51 of 22 December 1962, article 4 of which provides that:

> The judge or his deputy may issue written orders for the confiscation of any movable or immovable property and for the imposition of provisional custodianship over companies and associations and the deferment of debts and liabilities due and payable on the assets confiscated, on the basis of foreign requests in implementation of international agreements and on a proposal from the Ministry of Foreign Affairs.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, al-Qa`idah or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

The competent security authorities in our ministry undertake monitoring and information-gathering measures in cooperation with the Ministry of the Economy.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of al-Qa`idah or the Taliban or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Please see the response to the questions on paragraph 1 (b) and (c) in the supplementary report submitted by the Syrian Arab Republic to the Security Council Committee established pursuant to resolution 1373 (2001) on counter-terrorism (S/2002/1046).

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also included assets frozen pursuant to resolutions

1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- **Identification(s) of the persons or entities whose assets have been frozen;**
- **A description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);**
- **The value of assets frozen.**

No financial assets belonging to the listed entities or individuals have been detected in the Syrian Arab Republic.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of al-Qa`idah or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

The authorities concerned in the Syrian Arab Republic have not released any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of al-Qa`idah or the Taliban or associated individuals or entities, because there were none.

14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should also include a description of:

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of al-Qa`idah or the Taliban. This section should include an indication of the types of institutions informed and the methods used;**
- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated;**
- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated;**
- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items;**
- **Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — "hawala", as well as on charities and cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

Charitable and cultural associations and organizations in the Syrian Arab Republic are subject to the provisions of the Law on Private Associations and

Organizations, No. 93 of 1958, its Implementing Regulations, No. 1330 of 1958, and the amendments thereto. Charitable associations and organizations collect funds in accordance with a permit issued on the basis of the regime for the collection of contributions, established by Decision No. 1347 of 30 December 1971 (copy attached). Oversight of charitable associations is effected on the basis of Circular No. Kh/2/5157 of 1 December 1973 (copy attached) setting forth the breakdown of powers transmitted by our Ministry to local administrative authorities, inasmuch as charitable associations collect contributions after obtaining prior permission from the executive office of the province concerned. A balance of the proceeds is drawn up by the directorate of social affairs and labour in the province concerned and the provincial directorates of social affairs and labour make field trips to see how the associations are actually operating and how far they confine themselves to the achievement of their objectives and do not exceed them, and in the light of the visit a report is drawn up in accordance with the attached model.

Overseas funding for such associations is subject to approval by our Ministry through verification of the source of funding. Under the provisions of article 21 of the Law on Private Associations and Organizations, No. 93 of 1958, every association must transmit to the Ministry a copy of each cheque or hawala and information concerning the contribution so that the source of overseas funding may be checked. We would also mention that, under the provisions of article 18 of the above-mentioned Associations Law, associations may not disburse their funds save for the achievement of their objectives. Charitable assistance provided by associations to poor and needy citizens is monitored by the Ministry of Social Affairs and Labour in accordance with our Circular No. B/2/8555 of 30 December 2000 (copy attached). Purchase and sale transactions come under the Statute on Contracts of Private Associations and Organizations, No. Kh/2/2435 of 6 August 1977.

IV. Travel ban

15. Measures have been taken to prevent the entry into or transit through the territory of the Syrian Arab Republic by listed individuals.

16. They have been circulated to the agencies concerned and to border checkpoints for appropriate action.

17. The List is incorporated on an ongoing basis in the database of wanted and banned persons, which is continuously updated.

18. No, we have not stopped any of the listed individuals.

19. These names have been circulated to Syrian diplomatic missions abroad, and no visa applicant whose name appears on the list has been identified.

V. Arms embargo

20. Possession, transport or supply of any kind of weapons or explosives is subject to prior permission from the competent authorities under the Arms and Ammunition Law. We strive to ensure that there is no contravention of the legal norms, and we impose strict monitoring in this regard.

21. Application of the penalties set forth in the Arms and Ammunition Law promulgated by Legislative Decree No. 51 of 2001, the most important being:

Article 40. A penalty of 5 to 15 years' imprisonment and a fine of not less than 3 and not exceeding 10 times the value of the arms and ammunition seized shall be incurred by:

1. Any person who contravenes the provisions of article 2 of this Legislative Decree, which provides that "It is prohibited for anyone other than the competent governmental authorities to manufacture military handguns, hunting rifles, training weapons or any other military weapons or the related ammunition";

2. Any person who smuggles or attempts to smuggle weapons or ammunition for the purpose of trafficking;

3. Any person who is in possession of arms or ammunition being aware that they have been smuggled for the purpose of trafficking. Any accomplice or accessory shall be liable to the same penalty as the principal perpetrator;

Article 41 (a) Any person who bears or possesses a military weapon not eligible for licensing under the provisions of this Legislative Decree or the related Ammunition shall be liable to three to six years of imprisonment and a fine of 10,000 to 50,000 Syrian pounds;

(b) Any person who bears or possesses without a permit a military handgun or the related ammunition shall be liable to two to five years' imprisonment and a fine of 5,000 to 25,000 Syrian pounds;

Article 42 (a) Any person who without a permit bears or possesses a hunting rifle and any person who contravenes the provisions of articles 4, 9, 13 or 16 of this Legislative Decree or who obtains any permit proven to be based on fraud, lies or false documentation shall be liable to six months to one year's imprisonment and a fine of 5,000 to 10,000 Syrian pounds;

(b) Any person who possesses training weapons without a permit or carries them outside the premises of authorized shooting clubs shall be liable to one month to six months' imprisonment and a fine of 1,000 to 5,000 Syrian pounds.

22. No arms permit is issued to any of the listed individuals and entity or to any person likely to be involved in the future with such individuals, groups, undertakings or entities.

23. The Syrian Arab Republic does not currently export any weapons or ammunition.

VI. Assistance and conclusion

24. The Syrian Arab Republic is unable to provide material or technical assistance but is prepared to furnish the information available to it.

25. We are not aware of any areas of incomplete implementation of the Taliban/al-Qa'idah sanctions regime.

26. We have no additional information.